

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7139 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Ms.P.S.Talekar, advocate for the petitioner.
Mr.G.K.Naik Thigle, Addl. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**
Date : 27.07.2015.

PER COURT :

1. Heard.
2. Vide order dated 21.7.2015, we had directed that petitioner be examined by the Special Medical Board for Physically Handicapped at Grant Government Medical College, Mumbai, considering the fact that the Special Medical Board that had examined the petitioner did not consist of Neuro Physician as its Member.
3. Pursuant thereto the petitioner is examined by the Special Medical Board for Physically Handicapped consisting one Member from Neurology Department.
4. As per the said Certificate the percentage of disability of the

petitioner is 45% and it is of left lower limb.

5. In light of that learned Addl. Govt. Pleader does not dispute that the petitioner can be considered for admission from Physically Handicapped category. Ms.Talekar, learned counsel seeks cost on the ground that it is because of the negligence on the part of Respondents, the petitioner had to approach the Court.

6. It does not appear that the Government did not follow the proper procedure. The petitioner was referred to the Special Medical Board as per the procedure, however, the Special Medical Board gave a particular opinion. This Court finding that the opinion of a person from Neurology Department would be more relevant directed re-examination by a Special Medical Board of which one of the Member is from Neurology Department. As such we are not inclined to award cost.

7. In light of the above, we pass the following order :

- a) The letter dated 10.7.2015, declaring the petitioner unfit for admission to the Medical course is set aside. The Respondents shall consider the petitioner for admission to the Medical course from the category applied by the petitioner.
- b) Learned Addl. Govt. Pleader shall communicate this order to the concerned authorities and instruct authorities accordingly.

c) Authenticated copy be given.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.27.07.2015.
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